IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

FRIDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE N.V. RAMANA

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WP.No.5240 OF 2006

Between:

D.Mallesh, s/o. Gandaiah, aged about 38 years,
0cc. Driver, E.No.206572,
r/o.Pahalbanpur (v), Vallikonda (M)
Nalgonda district. … Petitioner

Versus

The Divisional Manager,
APSRTC., Charminar Division,
Koti Terminus, Hyderabad & Anr. … Respondents

Counsel for the Petitioner: Sri G.Ravi Mohan

Counsel for the Respondents: Sri VTM.Prasad

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5240 of 2006

Order:

The petitioner is working as a Driver in the respondent-APSRTC. Disciplinary proceedings were initiated against him, certain irregularities in operating the bus service. On the basis of the report submitted by the checking officials, a charge sheet dated 15-3-2000 was issued and petitioner was suspended pending enquiry. The Enquiry Officer submitted his report dated 14-3-2000 holding the petitioner guilty of the charges levelled against him. Based on the report of the Enquiry Officer, without issuing a show cause notice, proceedings dated 15-3-2000 were issued imposing the punishment of with holding the annual increment for a period of two years with cumulative effect, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Aggrieved by the same, the petitioner preferred an appeal, dated 06.5.2000 before the appellate authority, but no final orders were passed. Thereafter, the petitioner got issued reminders to the first respondent on 27-1-2003 and 27-1-2004 but till date no order is passed. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.2, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005.

Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in WP.No.18299 of 2005, dated 05.09.2005. Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction:

> The impugned order dated 15-3-2000 passed by respondent No.2, imposing punishment of deferment of annual grade increment for a period of two years with cumulative effect, is modified to that of stoppage of annual grade increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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N.V. RAMANA, J

Date:08-9-2006.
ISL/SJ

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SEPTEMBER 8th, 2006.

I s L.

N .V . RAMANA , J.